REMARKS

The following remarks are submitted in response to the Office Action dated September 24, 2003. Applicant has carefully reviewed all grounds for rejections and objections and has addressed them in this response. Claims 1-7 and 9-13 are pending in this application. All pending claims except claim 5 are rejected. Applicant presents arguments in favor of patentability of the presently rejected claims.

Drawing Amendments

The Office Action stated that Applicant did not furnish the amended drawings. Applicant's files indicate that a filing was made including corrections marked in red ink. The replacement drawing and the marked-up drawing were both filed with the previous office action. Because Applicant does not have the original any more, he hereby files the copy from his files.

Amendment to Claim 1

Claim 1 is amended to insert --said-- before "telecommunication signal" in step (e). This is corrects a language informality and does not add any new material. Further this does not necessitate a new search.

Claim Rejection under 35 U.S.C. §§102(e) and 103(a)

The Office Action rejected claims 1-4, 6-7, and 9-13 as being unpatentable under 35 U.S.C. §103(a) over USP 6,356,608 to Atarius in view of USP 5,241,688 to Arora. Applicant respectfully traverses this rejection for the following reasons.

Specifically, the Office Action cites of Atarius disclosed certain steps of the instantly rejected independent claims 1, 9 and 11. The Office Action states that Atarius disclosed all the steps of claim 1 (and the elements of claim 9) except the following:

(d) using said noise-reduced signal values for adapting a filter to the frequency of said constant frequency intervals;

(e) using said adapted filter to filter said telecommunication signal for generating values; and

(f) determining a predefined reference point of said constant frequency interval on the basis of said filtered output values.

And as to these steps, the Office Action states that Atarius disclosed all the steps except using an "adaptive filter" and that Arora disclosed the method of using an adaptive filter.

Applicant disagrees with this characterization. None of the three steps above are disclosed or suggested in Atarius or in Arora. For example, step (f), which recites the step of determining a predefined reference point of the constant frequency interval on the basis of the filtered output values, is not disclosed in either of the cited references.

Additionally, Arora does not describe the step of using noise-reduced signal values for adapting a filter to the frequency of the constant frequency intervals. It is therefore respectfully submitted that the instant invention is not disclosed or suggested in either of the references or in combination of the references.

More importantly, there is nothing in the cited references that they could be combined in the manner they are combined in the Office Action. It is respectfully reminded that all inventions are combinations of some known elements, and the mere fact that the elements are disclosed in several publications does not render obvious an invention for that reason alone. There must be a motivation or suggestion to combine the references in the manner they are combined in the instantly rejected claims. And the motivation or suggestion cannot come from a source other than the references themselves; it must come from the references themselves. There is no such motivation or suggestion that can be seen in either Arora or Atarius.

Arora, for example, states as follows (See Abstract).

> The synchronization process of the present invention filters the received signal with an adaptive band-pass filter (101) while buffering the received signal in memory (108). The energies of the input signal and the filtered signal are estimated (103 and 104) and the gain of the filter is adapted (105) based on the difference between the energies. The pole of the filter is adapted (102) to center the frequency of the input signal in the filter's pass-band. If a tone is detected (106), the length of the tone is determined (107) to ascertain if it is a frequency correction burst (FCB). If the tone detected is an FCB, the signal in the memory is also the FCB that is then

> filtered in the band-pass filter (101) and the difference between the frequency of this signal and 67.5 kHz is determined (109). This difference represents the frequency offset between the base station carrier frequency and that of the mobile radiotelephone, and can be fed into the local oscillating means to compensate for the frequency offset. The boundaries of the FCB establish the time slot alignment of the TDMA structure being received from the base station.

Arora does not describe, disclose or suggest the steps (d) - (f) of claim 1 (and the corresponding elements in claim 9.

Atarius discloses a different invention:

> A method, apparatus, and system determine a location of a frequency synchronization signal in a frame of data transmitted from a transmitter and received by a receiver in a communication system including at least one transmitter and at least one receiver. A peak value representing a detected frequency synchronization signal transmitted from the transmitter to the receiver is calculated. A frequency offset between a carrier frequency of the transmitter and a frequency reference of the receiver is estimated, along with a quality factor for the estimated frequency offset. A determination is made whether the peak value is greater than or equal to a peak threshold and whether the quality factor is less than or equal to a quality threshold. When both of the predetermined threshold conditions are met, the peak value, frequency offset, and quality factor are stored. When either of the threshold conditions is not met, the location of the frequency synchronization signal corresponds to the location of a stored maximum peak value and a stored minimum quality factor.

Though there is discussion in both Atarius and Arora of a frequency correction burst (FCB), and in Arora an adaptive filter, the manner in which the Office Action combined the elements lacks the glue of a motivation or suggestion to so combine. The law is clear that hindsight based reconstruction is improper and that one may not use the Applicant's claimed invention as a blueprint to combine the elements that are previously known. Because there is nothing in the references themselves to combine them with each other, it is respectfully submitted that the independent claims 1 and 9 are patentable over the cited art. Reconsideration is respectfully requested.

As to the dependent claims, because the independent claims 1 and 9 are believed to be patentable in view of the arguments presented herein, the dependent claims are also patentable. Applicant requests reconsideration.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and a notice of allowance. No fee is due with this response.

Respectfully Submitted,

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